

# CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA



## NEWSLETTER

ISSUE NO. 30  
JUNE, 2005

### IMPORTANT STATUTORY CHANGES

The CPBN wishes to thank the **Nevada Chiropractic Association** for its cooperation and help during a difficult legislative session. Our bill was passed in its entirety through no small effort of our lobbyist, **Susan Fisher of Fisher Consulting**, CPBN Legislative Chair **Dr. Donald Miner**, **Drs. Jack Nolle and Kamran Abdo** of the **NCA** and **NCA Lobbyist Berlyn Miller**.

The following revisions to Nevada Revised Statute 634 are **now** effective:

**NRS 634.018(16) "Unprofessional Conduct" defined.** The word "**or**" was substituted for "**and**" in (a). The provision now defines unprofessional conduct as: "Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by: (a) The medical records of the patient; **or** (b) An examination of the patient by the chiropractic physician taking such action." (Emphasis added) The CPBN is in the process of formulating appropriate language for a regulation that will further define this statute.

**NRS 634.020(2)(c) Creation; number, appointment and qualifications of members; . . .** A second Board member who is a representative of the general public shall be appointed by the Governor to a term that begins on November 1, 2005 and expires on October 31, 2009.

**NRS 634.135(1) Fees.** The following fee caps were increased:

For the annual renewal of a license to practice chiropractic - from \$300 to \$500.

For the annual renewal of an inactive license to practice chiropractic - from \$100 to \$150.

For the annual renewal of a certificate as a chiropractor's assistant - from \$50 to \$100.

For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic - from \$10 to \$25.

**(Please note: The Board does NOT intend to raise its fees for 2006 renewals.)**

**NRS 634.214 Records: Certain records relating to investigation deemed confidential; . . .**the following provision was added - "3. The Board may provide any record or information described in subsection 1 to any other licensing board or agency or any agency which is investigating a person licensed pursuant to this chapter, including a law enforcement agency."

**AN IMPORTANT NEW PROVISION Re: Professional Liability Insurance Disclosure** was added to NRS 634:

"1. If a person practices chiropractic in this State without maintaining professional liability insurance, the person shall: (a) Post in a conspicuous place in each location at which the person practices chiropractic under his license a written disclosure which discloses to patients that the person does not maintain professional liability insurance; or (b) Before providing any chiropractic treatment or care to a patient, give the patient a written disclosure which discloses to the patient that the person does not maintain professional liability insurance. The written disclosure may be included with other written information given to the patient. 2. The Board: (a) Shall adopt regulations prescribing the form, size, contents and placement of the written disclosures required by this section; and (b) May adopt any other regulations that are necessary to carry out the provisions of this section."



## NEW DCs AND CAs

**CONGRATULATIONS** to the following **Doctors of Chiropractic** who passed the test for licensure on November 11, 2004:

Aram Bedekian, DC  
Joshua A. Carr, DC  
Lawrence Cho, DC  
Christine A. Epper, DC  
Emmett R. Findlay, DC  
Ciro Ghiraldi, DC  
Danny Kalkantzakos, DC  
Brian J. Owen, DC  
Melissa Perotti, DC  
Arthur G. Rossi, Jr., DC  
Mark R. Steed, DC  
Marin K. Wendell, DC  
Todd S. Wendell, DC

on February 9, 2005:

Laurie A. Buob, DC  
Jennifer L. Cardinal, DC  
Bryan M. Dana, DC  
David L. Esudri, DC  
Aleesha C. Fischer, DC  
Robert B. Harrington, DC  
Robert S. Johnson, DC  
Scott J. Kenny, DC  
James M. McKivigan, DC  
Kelly E. Murie, Jr., DC  
Kevin L. Muzzana, DC  
William D. Paxson, III, DC  
Kong Shang, DC  
Todd R. Stevenson, DC  
Don V. Vuong, DC  
Jill A. Vuong, DC  
Paul W. Wanlass, DC  
Po-Hsun Xu, DC

on May 11, 2005:

Daniel P. Bumgarner, DC  
Angela N. Cherniawski, DC  
Jim Chung, DC  
Susan L. Cunningham, DC  
Travis R. Cunningham, DC  
Robert DeMartino, DC  
Gerald L. Edwards, DC

Daniel C. Lai, DC  
Robert L. McClure, DC  
Tony McCormick, DC  
Nathan D. Noakes, DC  
Allen Su, DC  
Ramin Vaezi, DC

The next DC Law examinations will be administered on August 10, 2005, November 9, 2005, February 8, 2006 and May 10, 2006.

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**CONGRATULATIONS**, also, to the following who passed the CA and CA for Massage tests on February 25, 2005:

### Chiropractor's Assistants

Tanci Colburn  
Sarah Donner  
Rachel Dunkle  
Herlinda Garcia  
Stephanie Hunsaker  
Claudia Lizarraga  
Laura Lomeli  
Julie Mathews  
Erin Que  
Jaime Robnett  
Stefanie Schroeter  
Shannon Sebby  
Marjorie Smithson  
Stephanie Stewart  
Mary Wright

### Chiropractor's Assistants for Massage

Rhonda Aichele-Johnson  
Rachel Dunkle  
Bret Gressmen  
Nicholas Hoover  
Noa Nunez-Amezcu  
Misty Pixler  
Kia Rich  
Mary Wright

The next CA and CA for Massage examinations will be administered on August 19, 2005 in Reno and Las Vegas.



## **Disposition of Complaints**

**Complaint 02-9** An osteopath who had testified as an expert witness in a jury trial complained that the DC had used osteopathic CPT codes and had administered muscle stim against reasonable prudence due to existing cardiac problems and without performing a detailed history and physical exam. Court documents revealed that the jury rejected the DO's testimony and approved all of the DC's charges. The bill was appropriately charged under "osteopathic manipulation." The complaint was dismissed under the condition that the DC be instructed to improve his written notes.

**Complaint 02-20** was filed against a DC who was observed administering adjustments at a health fair without taking histories, examinations or notes. The complaint was dismissed because a participating MD has provided documentation that he took all appropriate steps with the persons who were adjusted.

**Complaint 04-15** was filed by a massage therapist who was fired by a DC. She alleged that her ability to become a licensed MT was jeopardized because the DC had never registered her as an applicant for CA for Massage. The DC felt he was covered as her employer under his homeopathy license. The complaint was dismissed with a letter of instruction to the DC that since he claims business as a chiropractor all of his employees having patient contact must register with the Board as CAs and/or CAMs.

**Complaint 04-20** was filed because a DC whose license was inactive failed to report a misdemeanor conviction until he applied for activation. A warning will be sent to the doctor and the complaint was dismissed.

**Complaint 04-21A** was filed by a DC because another DC advertises Chiropractic Orthopedics. The advertising DC has properly filed his Diplomate credentials with the Board and is therefore qualified to so advertise. The complaint was dismissed.

**Complaint 04-21B** This complaint was filed by a DC against another DC who advertises "Chiropractic Orthopedic" in his window. The advertising DC does not have the proper credentials to so advertise. The complaint was dismissed with a letter to be sent to the DC advising that he must remove the misleading advertisement from the window.

**Complaint 04-23** A P.I. patient claimed that the DC who administered his IME told him he had thrown away the records and that he still needs care although he was dismissed from treatment. The DC denies that he said he threw away the records and they were, in fact, obtained for the patient. The complaint was dismissed.

**Complaint 05-2** This complaint was filed by a P.I. patient who claimed he was inappropriately billed and that he was injured by the DC. Investigation has determined that the charges are

unsubstantiated and it appears that the patient is dissatisfied with the amount of his settlement. The complaint was dismissed.

**Complaint 05-3** alleged fraudulent billing and unclean conditions. Investigation revealed that the patient has demonstrated bizarre behavior and may have psychiatric issues. There was no violation and the complaint was dismissed.

## **Disciplinary Action**

### **Francis Raines, DC, License No. B187 - Effective November 16, 2004**

In a hearing on November 13, 2004 Dr. Raines was found guilty of the following violations: NRS 634.018(6) for unprofessional conduct pursuant to his conviction for armed robbery and NRS 634.018(10) for conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interest of the public.

Dr. Raines's license was revoked. A fine in the amount of \$20,000 was imposed and he is required to reimburse the Board for the costs and fees associated with the revocation proceeding.

### **Craig M. Black, DC, License No. B1023 - Effective April 22, 2005**

On April 22, 2005 a Stipulation to Settle Disciplinary Action pursuant to advertising violations was entered into by Dr. Black and the CPBN. Dr. Black will be issued a public letter of reprimand and will reimburse the Board for its costs in this matter not to exceed \$500.



**Mark J. Mattoon, DC, License**  
**No. B262 - Effective June**  
**2005**

In a hearing on June 10, 2005 Dr. Mattoon was found guilty of the following violations: (1) NRS 634.018(5), unprofessional conduct, for selling and dispensing for the treatment of an 82-year-old patient dimethyl sulfoxide (DMSO) which may not be used for medical treatment of any human being (NRS 585.485); (2) NRS 634.018(5) and NRS 634.018(10), including NAC 634.430(1)(h), for failing to complete the 2000 self-inspection form and failure to submit any self-inspection form to the Board for the year 2001; (3) NRS 634.018(15) and NRS 634.018(11), including acts found in NAC 634.415 and/or NAC 634.430(n) for permitting unregistered personnel to perform patient services; and (4) NRS 634.018(15) and NAC 634.360 for employing a person as a Chiropractor's Assistant without that person obtaining a timely certificate issued by the Board.

Dr. Mattoon was placed on 3 years probation. He was assessed \$6,000 in fines to be paid by December 31, 2005. Within 120 days from the date he is served with the Board's order, Dr. Mattoon must reimburse the Board's costs in this matter and he must attend a risk management seminar in addition to his required hours for license renewal. He must pass the Nevada jurisprudence examination by December 31, 2005, and he must hire a person within 30 days to monitor his

practice for one year at his expense with quarterly reports to be submitted to the Board.

**Public Letter of Reprimand**

Craig M. Black, DC  
1255 Highway 395 North, Ste. B  
Gardnerville, NV 89410

Dear Dr. Black:

During 2004 a complaint was filed against you because you had published certain advertisements that were in violation of the chiropractic advertising regulations.

Specifically, you offered free adjustments to only personnel of certain agencies, a violation of NAC 634.556(2)(a), and you did not mention the price ordinarily charged for these services, a violation of NAC 634.556(2)(b). Although you responded to a warning that you would correct these violations, you continued to advertise with amended material that was in violation of NAC 634.556(2)(a) and included your practice name as "Chiropractic Physicians Group of Nevada" which implied that more than one doctor practices there although you are the only licensed person in that business, a violation of NAC 634.521 and NRS 634.018(4). In spite of a second warning, you continued to publish and mail advertisements that offered free initial consultation without detailing the price that would normally be charged for that service (NAC 634.556(2)(b)) without mention of your name, a violation of NAC 634.541.

Your failure to abide by the chiropractic advertising regulations and repeated courtesy warnings has resulted in disciplinary action in the form of a Stipulation to Settle Disciplinary Action and Order.

You are strongly advised that you are required to strictly adhere to the statutes and regulations promulgated by the Chiropractic Physicians' Board of Nevada. The Board will not hesitate to proceed with further disciplinary action for any further infractions.

Sincerely,

Stephanie Youngblood, DC  
President

**A WORD TO THE WISE**

**Failing to maintain detailed and legible patient records** is an unprofessional conduct violation. Make certain your patient records meet the standard of care. "SOAP" notes are recommended and must be legible.

**Any employee, full or part time, having patient contact (other than receptionist/clerical) must be registered by the licensee with the Board within the first 30 days of employment.** Failure to comply is an unprofessional conduct violation.

**Annual renewal forms and full payment must be received by the Board not later than December 31 annually.** Violators have been prosecuted for practicing without a license.